

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 21 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

AMRATBHAI KHOLIDAS PATEL

Versus

STATE OF GUJARAT

Appearance:

MR BS PATEL for Petitioners
MR SN SHELAT, ADDL. AG with MR AD OZA,
GOVERNMENT PLEADER for Respondent No. 1
MR PK JANI for Respondent No. 2
NOTICE SERVED BY DS for Respondent No. 3, 4

CORAM : MR.JUSTICE M.S.SHAH

Date of Judgment : 20/10/2000

CAV JUDGMENT

In this petition under Article 226 of the Constitution, the petitioners have challenged the Government notification dated 31.12.1999 shifting village Chandalaj from Unjha taluka in Mehsana District to Siddhpur taluka in the Patan District.

2. Prior to reconstitution of the districts and talukas in October, 1997, village Chandalaj was in Siddhpur taluka. Upon bifurcation of Siddhpur taluka into Siddhpur and Unjha Talukas, Chandalaj was placed in Siddhpur taluka by notification dated 15.10.1997. However, by notification dated 31.12.1997, Chandalaj was placed in Unjha taluka. The Cabinet Sub Committee constituted for the purpose of examining reconstitution of the talukas recommended inclusion of village Chandalaj in Siddhpur taluka and the Cabinet accepted the said recommendation at its meeting held on 22.12.1999 resulting into the impugned notification dated 31.12.1999.

3. The petitioners have challenged the aforesaid notification on the grounds which can broadly be classified into legal contentions and contentions based on facts. The legal contentions have already been examined and rejected in the judgment delivered today in Special Civil Application No. 10459 of 1999. Hence, only the contentions based on facts are dealt with in this judgment.

4. The gravamen of the challenge is that the impugned notification is arbitrary, because the distance between Chandalaj and Siddhpur is only 9 kms. whereas the distance between Chandalaj and Unjha is 11 kms. and that village Chandalaj has more commercial and social relations with Unjha.

5. In the affidavit in reply filed on behalf of the State government, it is pointed out that there is not much substantial geographical distance between Chandalaj and Unjha (9 Kms) on the one hand as compared to the distance between Chandalaj and Siddhpur (11 kms.) on the other hand. It is further submitted that the people in village Chandalaj can continue to have business relations with both Unjha and Siddhpur and that no inconvenience will be caused to the village people.

6. Having perused the material on record and having heard the learned counsel for the parties, it appears to the Court that since this Court does not sit in appeal over the decision of the State Government in such matters, this Court is not to weigh the arguments for and against the impugned decision in golden scales. Even if the petitioners have shown some inconvenience here or there, the question, as posed by the Apex Court in the case of Tata Cellular vs. Union of India, AIR 1996 SC 11 (para 95), is whether the harm caused to the people is of

such nature and magnitude that the Court should interfere. In the facts and circumstances of the case, as evident from the record, no such finding can be given. Hence, the petition deserves to be dismissed.

7. The petition is accordingly dismissed. Rule is discharged. There shall be no order as to costs.

(M.S. Shah, J.)

sundar/-